

ROUTING AND RECORD SHEET

ole 75-1074

SUBJECT: (Optional)

H.R. 61

FROM:

Charles W. Kane
Director of Security

EXTENSION

6777

NO.

DATE

16 MAY 1975

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Acting Executive
Officer, DD/A

[Handwritten signature]

2.

OLC

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

OS 5 2587-A

ole 75-1074
16 MAY 1975

MEMORANDUM FOR: Acting Executive Officer, DD/A

SUBJECT : H.R. 61

REFERENCE : 8 May 1975 Request for Comments
on Subject Bill

1. Pursuant to your request, the Office of Security has reviewed H.R. 61 to determine what problems the bill would cause the Agency if it were enacted into law.

2. Prior bills H.R. 188 and H.R. 9783, also introduced by Congressman Edwards of California, in previous sessions of Congress, have addressed themselves to the same subject matter. H.R. 61 as a whole appears to be much less objectionable from the standpoint of the Office of Security when compared to Congressman Edwards' prior submissions. There are, however, some very questionable aspects of H.R. 61 that should be answered before a conclusive determination can be made as to its potential effect on the Central Intelligence Agency.

3. A broad interpretation of the subject bill's definition of "criminal justice," Section 102(5), suggests that the Central Intelligence Agency could be regarded as a "criminal justice agency." To preclude this possibility, the Office of Security concurs with the Office of Legislative Counsel that the Agency seek modification of the bill's wording to positively state that the Central Intelligence Agency is not to be considered a "criminal justice agency." It is believed that this clarification would be very much in order with the author's purpose and in so doing, it would divest the Agency from the restrictions applicable to a "criminal justice agency."


4. The Office of Security believes that Section 205(b) allows the Agency to request and receive both "criminal justice intelligence information" and "criminal justice investigative information" during an employment application

OS 5 2587-A

investigation or for the approval or renewal of a security clearance. Both of these categories are specifically identified in the definition of "criminal justice information," Section 102(7), which is releasable to an agency of the federal government for these purposes. Furthermore, Section 103(b)(8), in a very broad sense, may be interpreted as a means to remove the Agency from any restrictions that would impact upon its ability to engage in the collection of foreign intelligence. Realistically, this was not the author's intent but the wording of the bill could create the question.

5. In view of the fact that there are sections in the bill subject to divergent interpretation, the Office of Security requests that the Office of Legislative Counsel obtain full and precise definition on how the bill would affect the Central Intelligence Agency as a noncriminal justice agency.

STATINTL


Charles W. Kane
Director of Security